

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANK V. LOVELL,

Plaintiff,

-against-

MAIMONIDES MEDICAL CENTER,

Defendant.

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MATSUMOTO, United States District Judge:

On June 3, 2011, *pro se* plaintiff Frank V. Lovell ("plaintiff") filed the instant action against Maimonides Medical Center ("defendant"). (*See generally* ECF No. 1, Compl.) Plaintiff alleges that defendants unlawfully discriminated against him on the basis of his race in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.* On October 14, 2011, plaintiff filed an amended complaint. (ECF No. 5, Am. Compl.) Plaintiff's amended complaint specifically alleges that defendants unlawfully failed to promote plaintiff, subjected him to unequal terms and conditions of employment, and retaliated against him. (*See* Am. Compl. ¶ 4.)

Following discovery, on October 12, 2012, defendant moved for summary judgment pursuant to Federal Rule of Civil Procedure 56. (*See* ECF No. 32, Notice of Mot. for Summary Judgment.) On April 1, 2013, the court referred defendant's

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

11-CV-4119 (KAM)(LB)

motion to Magistrate Judge Lois Bloom for a Report and Recommendation. (See Order Referring Mot., Apr. 1, 2013.) On August 8, 2013, Judge Bloom issued a Report and Recommendation recommending that the court grant defendant's motion for summary judgment in its entirety. (See ECF No. 41, Report and Recommendation ("R&R") at 1, 30.) The Report and Recommendation also informed the parties that any objections to the report must be filed within fourteen (14) days of service of the report. (R&R at 30 (citing 28 U.S.C. § 636(b)(1).) Also on August 8, 2013, the Clerk of the Court mailed a copy of the Report and Recommendation to plaintiff. (See *id.*) Therefore, allowing for delivery of the Report and Recommendation, the deadline for plaintiff to file objections to the report was August 26, 2013.

On August 22, 2013, plaintiff filed a notarized motion to appoint counsel, which noted that plaintiff had previously contacted the court's *Pro Se* Staff Attorneys about obtaining pro bono counsel. (ECF No. 42, Mot. to Appoint Counsel.) On August 23, 2013, the court issued the following order denying plaintiff's motion to appoint counsel:

There is no right to counsel in a civil case. *Martin-Trigona v. Lavien*, 737 F.2d 1254, 1260 (2d Cir. 1984); *Cardona v. Cmty. Access, Inc.*, No. 11-CV-4129, 2013 U.S. Dist. LEXIS 10778, at *16 n.4 (E.D.N.Y. Jan. 25, 2013). The court also cannot compel an attorney to take a civil case without a fee.

Mallard v. United States District Court, 490 U.S. 296, 309 (1989); *Wilson v. Family Dollar Stores*, No. CV-06-639, 2006 U.S. Dist. LEXIS 31967, at *1 (E.D.N.Y. May 19, 2006). Accordingly, *pro se* plaintiff's motion to appoint counsel is denied. Plaintiff is, however, hereby granted an extension of time until September 3, 2013, to file objections to Magistrate Judge Bloom's August 8, 2013, Report and Recommendation. A copy of this order shall be mailed to *pro se* plaintiff by my chambers.

(Order denying Mot. to Appoint Counsel, Aug. 23, 2013.) To date, no objections to the Report and Recommendation have been filed. (See generally Docket No. 11-CV-4119.)

A district court reviews those portions of a Report and Recommendation to which a party has timely objected under a *de novo* standard of review and "may accept, reject, or modify, in whole or in part, the findings or recommendations . . ." 28 U.S.C. § 636(b)(1)(C). However, where no objections to the Report and Recommendation have been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a careful review of the record and Judge Bloom's well-reasoned and thorough Report and Recommendation, the court finds no clear error and hereby affirms and adopts the Report

and Recommendation in its entirety as the opinion of the court. Accordingly, defendant's motion for summary judgment is granted in its entirety and judgment shall be entered in favor of defendant.

The Clerk of the Court is respectfully directed to serve a copy of this order upon *pro se* plaintiff at his address of record on the docket no later than September 9, 2013, enter judgment in favor of defendant, and close this case.

SO ORDERED.

Dated: September 6, 2013
Brooklyn, New York

_____/s/
Kiyo A. Matsumoto
United States District Judge